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MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CAD SYSTEMS UNLIMITED, INC., a  
California corporation,

Plaintiff,

vs.

VISIO CORPORATION, a Washington  
corporation; MICROSOFT CORPORATION,  
a Washington corporation,

Defendants.

Case No. C 06-0927 JSW

**~~[PROPOSED]~~ ORDER AND  
STIPULATED DISMISSAL  
WITHOUT PREJUDICE OF  
DEFENDANT VISIO  
CORPORATION**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff CAD Systems Unlimited, Inc. ("CAD Systems") and defendant Microsoft Corporation ("Microsoft") hereby stipulate to the voluntary dismissal without prejudice of Visio Corporation ("Visio") as a defendant in this action. The parties so stipulate because, (1) after its acquisition by Microsoft, Visio ceased to

1 exist as a separate corporate entity, and (2) Microsoft agrees that it is the real defendant party in  
2 interest in this litigation.

3 DATED: May 22, 2006

LAW OFFICES OF GEORGE FROST

6 By \_\_\_\_\_/s/\_\_\_\_\_  
7 George Frost  
8 Attorneys for Plaintiff  
9 CAD SYSTEMS UNLIMITED, INC

10 DATED: May 22, 2006

PRESTON GATES & ELLIS LLP

13 By \_\_\_\_\_/s/\_\_\_\_\_  
14 Michael J. Bettinger  
15 Attorneys for Defendant  
16 MICROSOFT CORPORATION

17 IT IS SO ORDERED.

18  
19 DATED: May 24, 2006

  
\_\_\_\_\_  
United States District Judge